IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

Bail Appl..No. 176 of 2007()

CRIME NO.3/07 OF ELATHUR POLICE STATION, KOZHIKODE.

PETITIONERS

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1. T.P.RAHEEM, AGED 28,
   S/O. MOIDEEN KOY, TYCOOTAM PARAMBIL,
   PUTHIYANGADI AMSOM AND DESOM, 'KOZHIKODE DT.

2. K.RAHIM, GED 35 YEARS,
   S/O. MOHAMMED, KINATTINGAL HOUSE, -DO- -DO-

3. P.K.MANAF, AGED 33 YEARS,
   S/O. MOIDINKOYA PERUMALUKANDI, -DO- -DO-

4. T.P.ANWAR SADIKK, GED 30 YEARS,
   S/O. ABOOBACKER, THYKOOTTAM PARAMBIL,
   -DO- -DO-

BY ADV. SRI.P.SANJAY
SMT.A.PRAVATHY MENON
SRI.M.MUHAMMED SHAFI

RESPONDENTS:

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1. STATE OF KERALA, REP. BY THE
   PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. THE STATION HOUSE OFFICER,
   ELATHUR, KOZHIKODE, DT.,

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.176 OF 2007

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DATED THIS THE 12th DAY OF JANUARY, 2007

O R D E R

Petitioners who are accused Nos.2 to 5 in Crime No.3/07 of Elathur Police Station for offences punishable under sections 143, 147, 148 and 326 read with section 149 IPC, seek anticipatory bail.

2. The occurrence took place on 31.12.2006 at 11.30 PM during which the de facto complainant and his brother were attacked with spade, cycle chain, bill hook, etc. and both of them sustained grievous injuries. The brother of the de facto complainant has sustained two fractures as well.

3. It is too early to accept the petitioners' contention that they have been falsely implicated in the case. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioners should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioners surrender before the Magistrate and file an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

With this direction, this petition is disposed of.

V.RAMKUMAR, JUDGE

dsn